

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6441

BILL NUMBER: HB 1050

NOTE PREPARED: Nov 25, 2002

BILL AMENDED:

SUBJECT: Methamphetamine Raw Ingredients.

FIRST AUTHOR: Rep. Frenz

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes the possession of one or more chemical reagents or precursors with the intent to manufacture methamphetamine a Class D felony and increases the penalty to a Class C felony if the person also possesses a firearm or is within 1,000 feet of a school, public park, housing complex, or youth center while committing the crime. It prohibits the sale of products containing ephedrine or pseudoephedrine in a display that is accessible to the public without the assistance of a store employee.

Effective Date: July 1, 2003.

Explanation of State Expenditures: *Class D and Class C Felonies* - Currently, a person who possesses two or more chemical reagents or precursors with intent to manufacture methamphetamine commits a Class D felony. Under the bill, a person possessing one chemical reagent or precursor with intent to manufacture would be guilty of the Class D felony or a Class C felony for also possessing a firearm or being within 1,000 feet of a school, public park, housing complex, or youth center. In 2001, there were 11 offenders committed to state correctional facilities for the Class D felony, but there are no data available to indicate how many more offenders may be convicted if the number of chemical reagents or precursors possessed changes from two to one. Additionally, the bill would create a Class D felony for selling anhydrous ammonia or ammonia solution to another person knowing that the person does not intend to use it for agricultural, scientific, or law enforcement purposes.

Depending upon mitigating and aggravating circumstances, a Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor, and a Class C felony is punishable by a prison term ranging from two to eight years. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This

does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in DOC facilities for all Class D felony offenders is approximately ten months, and the average length of stay for all Class C felony offenders is approximately two years.

Explanation of State Revenues: *Class D and Class C Felonies* - If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D or Class C felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Class C Infraction - The bill also provides for a Class C infraction if a retail establishment sells products containing ephedrine or pseudoephedrine without the assistance of an employee. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class C infraction is \$500. However, the bill would establish a civil penalty of \$50 for an establishment that has not had a summons or citation for violation in the past 90 days or \$250 if there has been one citation or violation in the past 90 days. Civil penalties are deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

Explanation of Local Expenditures: *Class D Felonies* - If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered for the Class D or Class C felonies or for the Class C infraction, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee for a felony or the \$70 court fee for an infraction that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. For infractions, if the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.

Fiscal Analyst: Karen Firestone, 317-234-2106